



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2011-08 **LEGISTAR #:** 20110515

LANDOWNERS: Estate of Bertha Bearden Bishop
3543 Wood Acres Boulevard
Duluth, GA 30096

APPLICANT: Cynthia L. Patton
324 Lawrence Street
Marietta, GA 30060

AGENT: J. Kevin Moore
Moore Ingram Johnson & Steele
Emerson Overlook
326 Roswell Street
Marietta, GA 30060

PROPERTY ADDRESS: 269 Cole Street

PARCEL DESCRIPTION: Land Lot 11600, District 16, Parcel 0960

AREA: 0.24 acs. **COUNCIL WARD:** 5

EXISTING ZONING: R-4 (Single Family Residential 4 units/acre)

REQUEST: OIT (Office Institutional Transition)

FUTURE LAND USE MAP

RECOMMENDATION: MDR (Medium Density Residential)

REASON FOR REQUEST: The petitioner is requesting the rezoning of this parcel from R-4 to OIT so the existing structure can be renovated to house a law office.

PLANNING COMMISSION HEARING: Tuesday, July 5, 2011 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, July 13, 2011 – 7:00 p.m.

City of Marietta Area Zoning Map



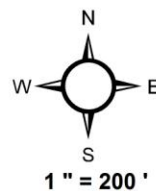
Zoning		District	Land Lot	Parcel	Current Zoning	Proposed Zoning
SINGLE FAMILY RESIDENTIAL R-1 One Unit/Acre R-2 Two Unit/Acre R-3 Three Unit/Acre R-4 Four Unit/Acre ATTACHED FAMILY RESIDENTIAL RA-4 Four Unit/Acre RA-6 Six Unit/Acre RA-8 Eight Unit/Acre PRD(SF) Planned Residential Dev. MHP Mobile Home Park MULTI FAMILY RESIDENTIAL RM-8 Eight Unit/Acre RM-10 Ten Unit/Acre RM-12 Twelve Unit/Acre RHR Residential High Rise PRD(MF) Planned Residential Dev.		16	11600	0960	R4	OIT
COMMERCIAL NRC Neighborhood Retail CRC Community Retail RRC Regional Retail CBD Central Business District PCD Planned Commercial Dev. MXD Mixed-Use Dev. OIT Office Institutional Trans. LRO Low-Rise Office OI Office Institutional OS Office Services OHR Office High-Rise INDUSTRIAL LI Light Industrial HI Heavy Industrial PID Planned Industrial Dev.						

Comments:

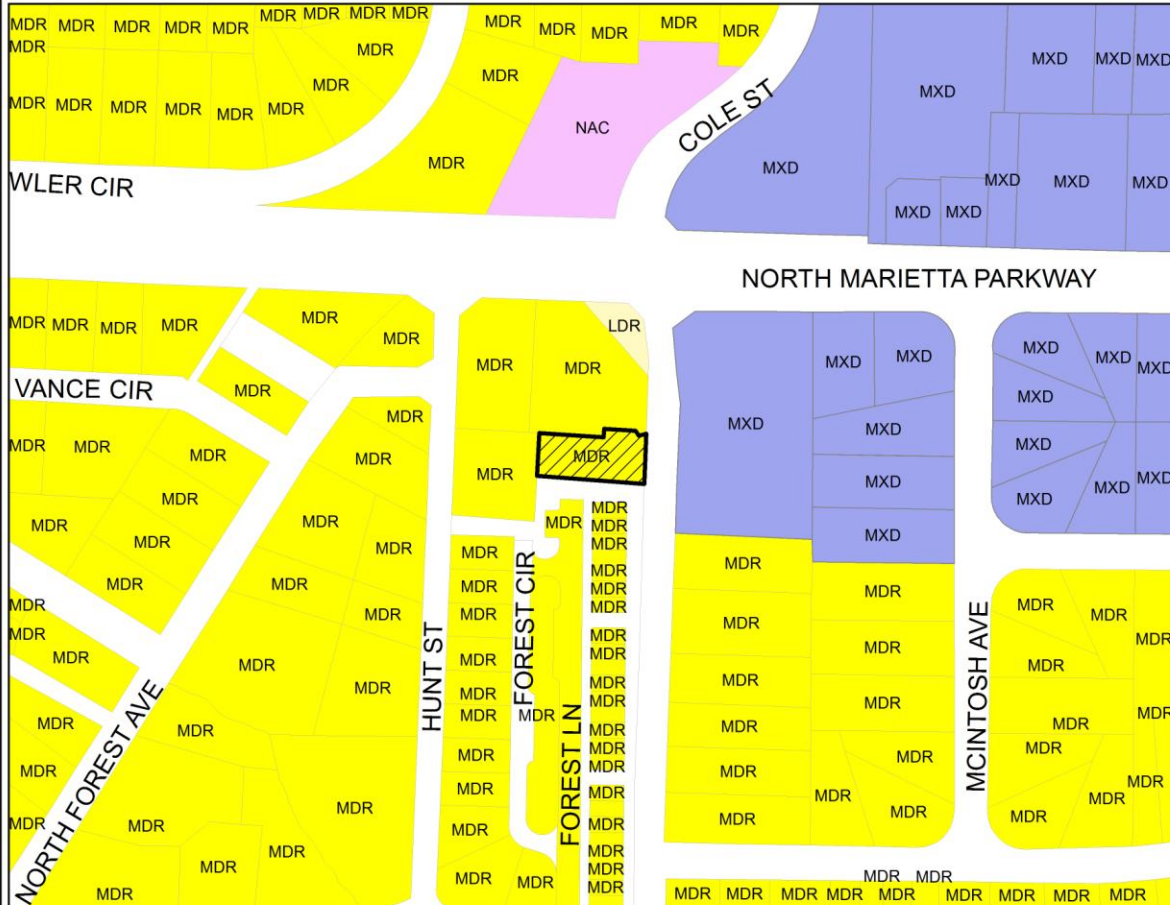
269 Cole Street

Date: 5/25/11

Planning & Zoning
Department



City of Marietta Area FLU Map



Future Land Use

LDR	Low Density Residential
MDR	Medium Density Residential
HDR	High Density Residential
NAC	Neighborhood Activity
CAC	Community Activity Center
RAC	Regional Activity Center
CBD	Central Business District
IM	Industrial - Manufacturing
IW	Industrial - Warehousing
OSC	Open Space/Conservation
PR	Parks & Recreation
CSI	Community Service & Institutional
TCU	Transportation, Communication & Utilities
MXD	Mixed Use

District

16

Land Lot

11600

Parcel

0960

*Current
FLU*

MDR

*Proposed
FLU*

N/A

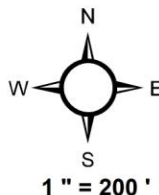
Comments:

269 Cole Street

Date:

05/25/11

**Planning & Zoning
Department**



PICTURES OF PROPERTY



269 Cole Street



Southern property line

STAFF ANALYSIS

Location Compatibility

Kevin Moore is requesting the rezoning of property located at 269 Cole Street from R-4 (Single Family Residential – 4 units/acre) to OIT (Office Institutional Transitional). The property is 0.24 acres in size and contains a residential structure. The property to the north is zoned OI (Office Institutional) and contains an attorney's office. To the west is a single family home zoned R-4. Manor Park, zoned PRD-SF (Planned Residential Development – Single Family), is located immediately to the south and is platted for future townhome development adjacent to the subject property. The purpose of this rezoning request would allow the renovation of the residential structure to be used as a professional law office.

Use Potential and Impacts

The OIT area regulations are designed to minimize the impact a commercial use has on any nearby residences. As well as requiring the structure to maintain a residential exterior, the ordinance also states that no light may spill over property lines and that a six foot privacy fence be provided along any property line adjacent to any residential uses. In this case, a six foot privacy fence would be required along the western and southern property lines; the existing chain-link fence would not suffice without a variance. Also, the following variance would be necessary to accommodate the existing structure:

- Variance to reduce the side setback along the southern property line from 15' to 4.6.' [Section 708.21 (H)]

Staff suggests that this variance should be for the proposed project only and should be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure.

The conversion of this property from residential to light office use would provide a reasonable transition between the single family homes in Manor Park and the more intense office uses along North Marietta Parkway. However, the requested change does not follow the Future Land Use plan for this area, which designates this property, and all surrounding properties, as Medium Density Residential (MDR). The MDR category is suitable for single family detached housing, cluster housing, and/or townhomes with densities ranging from three (3) to six (6) units per acre. Office uses are not compatible with this future land use classification. As a result, the rezoning request is not consistent with the City's Comprehensive Plan.

Environmental Impacts

There are no floodplains, creeks, topological issues or signs of any endangered species on the site. Full compliance with Section 712.08, Tree protection and landscaping, will be required if the rezoning is approved.

Economic Functionality

This property is currently for sale and has been used residentially in the past. Although the property appears to be vacant, utilities have remained consistently active and indicate that the property has reasonable economic use as currently zoned.

Infrastructure

Regulations for OIT require that all parking for the use be provided in the rear yard at least 5 feet from the rear property line. The submitted survey does not include the square footage of the building, which is necessary to calculate required parking. The Cobb County Assessor's Office website states that the residence is 1,366 s.f. If one space is required for every 350 s.f. of office use, then four parking spaces would be required, one of which would have to be a van-accessible handicap space. Parking spaces must meet ITE "Level A" standards exclusive of curb and gutter. Site plans would be necessary.

A twenty foot wide driveway accessing the rear of the property would not be feasible considering the most narrow point between the structure and the property line is approximately 15.5'. If parking is to be provided in the rear, the following variance would be necessary:

- Variance to reduce the minimum width for an interior drive from 20' to 15.' [Section 716.08 (C5)]

Other notable comments from Public Works include:

- It appears that the R.O.W. may be incorrect as shown. R.O.W. for Cole Street is to be 25' from existing centerline. It must at least match that of the development to the south. If applicable, additional R.O.W. is to be provided for the sidewalk, as necessary. A Quit Claim Deed must be provided to the City for the additional R.O.W.
- Sidewalk exists to the north, and is partially installed along Cole Street frontage for the development to the south. A 2' grass strip and 6' sidewalk to extend along entire frontage of Cole Street is required. Handicap Ramps are required at driveway to street. Stop Sign, crosswalk and handicap ramps to be provided at crosswalk.

History of Property

There is no history of any variances, Special Land Use Permits, or rezoning for this property.

Other Issues

A commercial certificate of occupancy must be obtained prior to any business license being issued.



ANALYSIS & CONCLUSION

Kevin Moore is requesting the rezoning of property located at 269 Cole Street from R-4 (Single Family Residential – 4 units/acre) to OIT (Office Institutional Transitional) to establish a professional law office. The property is 0.24 acres in size and contains a residential structure. The property to the north is zoned OI (Office Institutional) and contains an attorney's office. To the west is a single family home zoned R-4. Manor Park, zoned PRD-SF (Planned Residential Development – Single Family), is located immediately to the south and is platted for future townhome development adjacent to the subject property.

The OIT area regulations are designed to minimize the impact a commercial use has on any nearby residences. As well as requiring the structure to maintain a residential exterior, the ordinance also states that no light may spill over property lines and that a six foot privacy fence be provided along any property line adjacent to any residential uses. In this case, a six foot privacy fence would be required along the western and southern property lines. Regulations for OIT also require that all parking for the use be provided in the rear yard at least 5 feet from the rear property line.

Should the rezoning request be approved, the following variances would be necessary to accommodate the placement of the existing structure:

1. Variance to reduce the minimum width for an interior drive from 20' to 15.' [Section 716.08 (C5)]
2. Variance to reduce the side setback along the southern property line from 15' to 4.6.' [Section 708.21 (H)]

Staff suggests that this variance should be for the proposed project only and should be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure.

The conversion of this property from residential to light office use would provide a reasonable transition between the single family homes in Manor Park and the more intense office uses along North Marietta Parkway. However, the requested change does not follow the Future Land Use plan for this area, which designates this property, and all surrounding properties, as Medium Density Residential (MDR). Office uses are not compatible with this future land use classification. As a result, the rezoning request is not consistent with the City's Comprehensive Plan.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	10-inch
Capacity of the water line?	Flow test required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	No
If not, how far is the closest sewer line?	150 feet
Size of the sewer line?	8-inch
Capacity of the sewer line?	Available
Estimated waste generated by proposed development?	A.D.F Peak Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property?	No
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Sope Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are the storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

Transportation

What is the road effected by the proposed change?	Cole Street
What is the classification of the road?	Local
What is the traffic count for the road?	No Data Available
Estimated number of cars generated by the proposed development?	Insufficient data provided
Estimated number of trips generated by the proposed development?	Estimated 2000 sq. ft x 11.01/1k = 22 ADT (2000 x 1.49/1k = 3 pk hr)
Do sidewalks exist in the area?	Yes
Transportation improvements in the area?	No
If yes, what are they?	---

- NOTE: estimated square footage of building is estimated at 2000 sq ft. The applicant must offer design based upon the exact square footage.
- Site plans will be required for construction. Site plans must include, parking, driveways, streets, stormwater management (if 5000 s.f. or greater of new/replacement impervious), stormwater quality (such as bioretention - no concentrated outlet at property line), 10% downstream analysis, and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line. If easements are required for drainage through adjacent property, then the owner is to obtain.
- It appears that the R.O.W. may be incorrect as shown. R.O.W. for Cole Street is to be 25' from existing centerline. It must at least match that of the development to the south. If applicable, additional R.O.W. is to be provided for the sidewalk, as necessary. A Quit Claim Deed must be provided to the City for the additional R.O.W.
- Sidewalk exists to the north, and is partially installed along Cole Street frontage for the development to the south. A 2' grass strip and 6' sidewalk to extend along entire frontage of Cole Street is required. Handicap Ramps are required at driveway to street. Stop Sign, crosswalk and handicap ramps to be provided at crosswalk.
- Parking spaces to be designed per ITE "Level A" standards exclusive of curb and gutter. Parking spaces are minimum of 9' x 20', and minimum of 20' drive aisle with all dimensions exclusive of curb and gutter.
- There can be no parking spaces in front of the building which back onto Cole Street.
- The existing drive ingress/egress must be at least 20' of pavement in addition to curb & gutter for two-way traffic. The current driveway is not to City Code for access to the proposed parking at the rear of the property.
- The Hp space is to be a van accessible space. Access to the building including sidewalk, and Hp ramp, is to be shown.



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	Marietta Station 51
Distance of the nearest station?	.5 miles
Most likely station for 1 st response?	51
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes X No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments: